IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1916 OF 2007

Shri. Sambhaji Balaso Sawant ..Petitioner
V/s.
Smt. Sarubai Dattatraya Patil ...Respondent

Mr.S.G. Thorat for Petitioner.
Mr.Vijay Mane for Respondent No.1.

CORAM : V.M. KANADE, J.
DATED : 31st AUGUST, 2007.

P.C:-

1. Learned counsel for the Petitioner submits that in view of judgment of the Apex Court in the case of **Yallwwa and Ors. V/s. National Insurance Co. Ltd & Anr. reported in 2007 ACJ 1934**, Appeal is maintainable U/s.173 of Motor Vehicles Act, 1988 and, therefore, the Petitioner has an alternate remedy of filing an appeal and therefore, the Petitioner be permitted to withdraw the Writ Petition with liberty to file an appeal. Writ Petition is, accordingly, allowed to be withdrawn.

2. Liberty is granted to the Petitioner to prefer an Appeal U/s.173 of Motor Vehicles Act, 1988. Parties to act on authenticated copy duly signed by the Associate of the Court.

V.M. KANADE, J.